NEBRASKA ADMINISTRATIVE CODE

LAST REVISION DATE: January 16, 2012

TITLE 219 - DEPARTMENT OF LABOR

CHAPTER 4- CLAIMANT'S AVAILABILITY / WORK SEARCH REQUIREMENTS

001. This chapter is adopted pursuant to *Neb. Rev. Stat.* §§48-607, 48-627 and 48-628.

002. A. A claimant attached to a Nebraska job market shall be referred to an employment services office established in accordance with *Neb. Rev. Stat.* §48-662 or the employment services' web application for reemployment services unless the waiver provisions of ~~219 NAC 4(005)~~ 219 NAC 4, §005 are met. Claimants not attached to a Nebraska job market shall register with the employment service office of the state of their residence unless the waiver provisions of 219 NAC 4, §005 are met.

B. Unless the waiver provisions of 219 NAC 4, §005 are met, each claimant attached to a Nebraska job market shall be required to register for work and create a resume in the employment services' web application in order to become initially eligible for benefits.

C. A claimant will also be required to make an active and earnest search for work that is reasonably calculated to result in the earliest possible reemployment of the claimant. The search shall include, for each week of benefits, at least two contacts with employers in-person, by mail or by telephone or other electronic media. A claimant attached to a Nebraska job market shall record each week's work search effort in an electronic web application maintained by the Department of Labor as the Commissioner of Labor shall direct. Claimants not attached to a Nebraska job market shall record each week's work search effort in such manner as the Commissioner of Labor shall direct. A failure to record the work search effort will be considered a failure to report as directed, and subject to applicable administrative penalty for each week.

D. Electronic notifications by the employment services web application of job openings matching up with the job skills described in the claimant's resume in the employment services' web application shall be considered as a direction by the Commissioner to apply for available, suitable work within the meaning of *Neb. Rev. Stat.* §48-628(3).

~~C.~~ E. Eligibility for benefits of claimants seeking only part-time work is established in *Neb. Rev. Stat.* §48-627

003. A claimant who has drawn benefits for over six weeks will be required to expand the scope of the job search regarding acceptable hours, wages, conditions, location, and type of work.

004. A claimant who is unavailable for employment or physically unable to work for any reason for four days of any week shall be disqualified from receiving benefits for that week. Exception; "duty before any court under a lawfully issued summons during the week of unemployment claimed." See, 20 CFR 604.5(b).

005. The Commissioner may waive the requirement that an applicant search for work if:

A. The applicant is attached to a regular job or industry;

B. The applicant is eligible for referral as a member in good standing in a labor union which has a union hiring hall;

C. Compliance would be oppressive or inconsistent with the purpose of the Nebraska Employment Security Law; ~~or~~

D. The applicant is attending training approved by the Commissioner pursuant to 225 NAC 1; or

E. The applicant is attending training funded in whole or part pursuant to *Neb. Rev. Stat.* §48-622.02.

006. A claimant shall be ineligible for benefits during any week in which the claimant fails to participate in reemployment services as directed by the commissioner, such as job search assistance services, if the claimant has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the commissioner pursuant to *Neb. Rev. Stat.* §48-627(6), §303(j)(1) of the Federal Social Security Act, and 219 NAC 17, unless the commissioner determines that:

A. The claimant has completed such services; or

B. There is justifiable cause for the claimant's failure to participate in such services.

007. For purposes of *Neb. Rev. Stat.* §48-628(7), an individual shall be considered to be registered for full attendance at and regularly attending an established school college or university if the individual is treated as a full-time student at the school, college or university that the individual is attending for purposes of determining eligibility for federally subsidized financial assistance.